

Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, May 17, 1988 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor  
John Lombardi, Councilman  
Louis Boschetti, Councilman  
Robert Pike, Councilman  
Denise Civiletti, Councilwoman

**Also Present:** Patricia Moore, Town Attorney  
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Pike offered the following resolution which was seconded by Councilwoman Civiletti.

**RESOLVED**, that the Minutes of Regular Board Meeting held on April 19, and May 3, 1988 are hereby approved and dispensed with.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

**Supervisor Janoski**, "The department heads are present this evening should anyone have any question of them. Reports, Mrs. Pendzick."

#### REPORTS

Conservation Advisory Council-Minutes of 3/30/88 meeting. Filed

Building Department-Report for month of April 1988. Filed

Tax Receiver-Collections as of 5/9/88-\$17,049,616.38. Filed

Supervisor's Office-DEIS for Mill Pond commons. Filed

Planning Board-Approving minor subdivision of William Keller; denying minor subdivision of Longwood Realty; recommending denial of change of zone request of Louis Bonavita and Sons. Filed

**OPEN BID REPORT** - Aggregate Stock pile Mix/Highway Filed

Bid Date: May 16, 1988  
One Bid Submitted

#1 NAME: BIMASCO, INC.

ADDRESS: Hauppauge, NY

TOTAL BID: \$.174/per pound

REPORTS, ContinuedOpen Bid Report -Truck Tractor and Trailer/Highway

Filed

Bid Date: May 16, 1988  
3 Bids Submitted

#1 NAME: TRYAC TRUCK AND EQUIPMENT  
ADDRESS: ROUTE 58, RIVERHEAD, NY  
TOTAL BID: \$42,385.00

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#2 NAME: J.I. CASE CO. DBA CASE POWER & EQUIPMENT  
ADDRESS: 1667 E. JERICHO TPKE., HUNTINGTON, NY  
TOTAL BID: \$22,291.00/trailer only

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#3 NAME: FLINSTONE SAND & GRAVEL CORP.  
ADDRESS: BOX 482, CALVERTON, NY  
TOTAL BID: \$20,329.50/trailer only

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Open Bid Report - Water Service Materials/Water

Filed

(See Water District Minutes)

Supervisor Janoski, "Thank you. Applications."APPLICATIONS

Change of Zone-Heribert Obser-Office service to Business "B"  
Route 58, Riverhead.

Filed

Change of Zone-Garal Realty Corp-Industrial "A" to Residential  
"A" or "C"; Middle Country Road, Calverton.

Filed

Site Plan-Aircraft Warehouseing to add 44,968 square foot  
warehouse; Route 25, Calverton.

Filed

Petition-R.E. & J. Waldron to extend sewer district, Mill  
Road and Osborn Avenue.

Filed

Supervisor Janoski, "Thank you. Correspondence."CORRESPONDENCE

N.Y.S. Dept. of Environmental Conservation-April, 1988 "O & M  
Grants Program Manual".

Filed

CORRESPONDENCE, Continued

Gregory Blass, 5/5/88-Copy of resolution for public hearing on 5/13/88 at 2:00p.m. re: authorizing Social Service lease with Millbrook Office Campus, East Main Street.

Filed

Philip Kenter, 5/4/88-Relating brief history of Local Law re: Alarms and observing that public comments were not used in its adoption and requests a review of previous statements.

Filed

N.Y.S. D.E.C.-Requesting name of person designated to administer flood plain regulations; a reminder that an Appeals Board should be named in local floodplain law.

Filed

P.C. Richard, 5/12/88-Requests permission for tent sale between 6/24/88 and 7/14/88.

Filed

Allen Smith, 5/16/88-submits resolution of Board of Fire Commissioners "Determination of Significance-Addition to Second Street Fire House".

Filed

H2M, 5/11/88-Reports completion of work to date for Ext. 32J.

Filed

Supervisor Janoski, "Thank you. The time for the first public hearing has not yet arrived. We do have a list of Unfinished Business which is going through the process of review. The information in parenthesis indicates where that is in the process and who it is before. I would open up the meeting to anyone who wishes to comment on any subject. Steve."

Steve Haizlip, Calverton, "As we all know, I'm reading in the newspapers of the M.T.A. They have been legally stealing a lot of our money to support that subway, trains and everything else that is supposed to belong to the M.T.A. Peter King and Mr. Capputo from Suffolk County Controller says that they have owned up to that they have overcharged. So that's admitting they have been stealing, swindling or what have you. Now, it brings me to a point of this last week. I think it's last week or the week before last where Mr. John Quinn of the State Lottery Director and Mr. Cuomo had decided to go whole hog or nothing. In other words, they wanted to be the whole hog on this latest lottery raising the numbers up to 54 and taking it all. They don't want to get anything out to the public. So you don't have much of a chance. So there's another form of modified legal stealing. Thank you very much."

Supervisor Janoski, "Thank you Steve. Mr. Carey."

Richard Carey, Middle Road, "Joe, it's glad to see you back on the job. I hope you don't have any more kidney stone problems."

Supervisor Janoski, "Me too. Thank you."

Richard Carey, "What I'd like to talk about is the Middle Road repaving, widening and improving. A couple of weeks ago, there was an article in the paper about the Highway Superintendent given permission to hire an engineer to examine that highway and make a report to the Town Board, I assume. And then last week, I think

PERSONAL APPEARANCES, ContinuedRichard Carey, Continued

there was an article about we allocated a million dollars of capital money out of a capital program for that project. It looks like to me it's moving very fast and I do have concern. I think quite frankly, we're a patsy to the state and the county. The state for not completing the expressway to Mattituck and the county for not making 58 a four lane highway with spacious shoulders and turning lanes. And why should we have to spend a million dollars to bail them out because of the traffic problem that's going and increasing traffic on Middle Road due to the fact that people are trying to bypass the 58 problem which is still very severe. Just taking a look at Middle Road, the area I believe that Mr. Bloss mentioned, was Mill Road to Doctor's Path. I measured that. That's exactly three miles right on the button with Roanoke Avenue just about in the middle, almost exactly in the middle of that area. There are six roads Mill Road, Osborn, Horton, Roanoke, Northville and Doctor's that have right-of-ways across (I call it) Middle Road. Namely, Middle Road is the stop street. So there are six stop signs between Mill Road and Doctor's Path and that certainly is a hazard in trying to move traffic, as you well know. We do have a forty mile speed zone. I was glad to see that done. I believe that the town originally tried to get thirty and it was turned down. Forty is an improvement of what we had before. I think we ought to try to see how that works for the present time with possibly some more attention by the Police Department to see that people are adhering to those limits. I agree it's a winding road. It's a country road. I agree it needs some repairs. A couple of areas where there are water problems and certainly repaving particularly from Roanoke east, seems to be the poorest part of the highway. Parts of the road have high crown which is somewhat annoying to certain people driving because of the tilt and maybe that should be corrected to some extent. The hill west of Harrison causes some problem in vision for cars trying to enter on to Middle Road from Harrison particularly if they're making a left turn. You just can't see traffic coming over that hill where the Harrison Avenue ends. But as far as I'm concerned, don't widen it out just to make it easier to increase the speeds and/or.... I don't know how it could include more traffic by widening it though because I'm sure you're still considering it to be a two-lane highway. I would like to see an effort made to reduce the traffic on Middle Road before we spend a million dollars. By the way, Charlie Bloss told me it cost about 30,000 dollars per mile to put on a new cover of asphalt. Well, if it looks like it's three miles, that's roughly 100,000 dollars. So I don't know what we're going to do with the other 900,000 if we're going to appropriate a million. Then I don't think we need to spend that kind of money. I suggest we put up some signs to divert some of the traffic. Do we not have some restrictions for heavy trucks on certain town roads? We do get a lot of them on that highway. Unfortunately, Suffolk Cement Products are blanked out as far as getting on to Route 25 and have to come back through that road on many times. If we put the weight limit signs to restrict these trucks from using the road if we have that in our ordinances. I assume most of the extra traffic is coming from the people that are turning at Mill Road and going north. I suggest we put some signs up. Tell people to turn north on Mill Road. Let them go

PERSONAL APPEARANCES, ContinuedRichard Carey, Continued

on straight north to the end of Mill Road on to Osborn and up to Sound Avenue and go east on Sound Avenue. If we miss them there, put some signs up on Horton Avenue and let them go north from there. I think another thing we ought to do is probably put, at the present time, a four-way stop on Horton Avenue for a few months and then make the stop north and south. In other words, make that a through road because that's difficult for people going up that little bit of hill to stop on that corner. But I think we got to have it a four-way stop for a while so that people who are accustomed to going north on through that intersection, wouldn't be missing the signs. I think we can also direct a lot of traffic by these things and I think there's a lot of people now that just don't know that you can take the Mill Road or the Horton Avenue to get to Sound Avenue. They're going all the way to Northville Turnpike. I was up at the Pindar Winery the other day and somebody called and asked how to come to the winery and they gave them directions to get off on 58, go to Northville Turnpike and come north to Sound Avenue and turn right. Well, they could have done it just as well by going straight up Mill Road and avoiding all that traffic on 58. I think it's important that we put some signs up to try to help these people who don't know these other roads. I haven't talked to my neighbors about this but I do believe they feel the same way I do, that we do not want Middle Road to become a super highway. And I think another thing we should do is people going west on Sound Avenue, put more signs up to encourage them to go all the way through to Edwards Avenue before they turn to go down to the expressway. I think that will be a big help for us because I think most of those people now or a lot of them are turning on Northville Turnpike and coming down. And I still think we ought to put some heat on the state and the county, particularly the state, to do something to at least extend the expressway down to Cross River Drive. Thank you."

Supervisor Janoski, "Dick, there has not been any decision to appropriate a million dollars for the project."

Richard Carey, "Well, it was in the paper that said something about that."

Supervisor Janoski, "Well, I'm going to refrain from saying anything about the newspapers. But there is a drainage project which has been in the works for five years for Middle Road."

Richard Carey, "Are you talking about the area by Andersons and the old Halsey Reeve farm?"

Supervisor Janoski, "So that is estimated to cost in the neighborhood of 500,000 dollars."

Richard Carey, "Wow. What are you going to do? Buy half of Anderson's farm to drain the water in or what?"

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "We're going to take the water and bring it down to the Bay through a very lengthy system."

Richard Carey, "But you don't own that land where the water now flows over. It goes down by Middle Road."

Supervisor Janoski, "We're getting an easement. But the Board authorized, and this was a couple of weeks ago, preliminary engineering work to be done regarding Charlie's request and we will review the preliminary report and make decisions as to what to do as far as accomplishing the work. But there has not been a decision to expend any money on that particular project."

Richard Carey, "I hope you'll listen. I'll go around and talk to some of my neighbors. I think a lot of us feel that we'd like Middle Road as it is and we don't want it to be all straightened out and widened out, therefore, people going faster on it."

Supervisor Janoski, "We appreciate that. One of the things that we have to do, of course, is make sure that our roadways do not open us up for charges of liability and litigation."

Richard Carey, "Well, I can see where that water would be a problem. I'm sure of that. But I don't see anything else wrong with the road and I've lived there for 35 years and we've had very few accidents on it and most of them are at the intersections where there are violations of the stop sign. That's where the trouble is with those six stop signs across that highway."

Supervisor Janoski, "Well, the bottom line of what I'm saying is that no decision has been made to expend any money."

Richard Carey, "Good. I hope you'll allow us to comment further when you do. Thank you very much."

Supervisor Janoski, "Ok. Let the record show that the hour of 7:47 has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall on Tuesday, May 17, 1988 at 7:45 p.m. to hear all interested persons who wish to be heard re: Change of Zone Application of Gary, Wayne and George Faltin from Office Service to Business "B".

Supervisor Janoski, "Allen Smith, are you representing the applicant sir?"

Allen Smith, Attorney, "Yes I am. This is a family business that came to town some years ago and occupied what many of us know as the Farmer's Market at the intersection of Doctor's Path and Middle Road near the intersection of 25 and 58. They operated for a period of time therein, a wallpapering manufacturing business and they had some ancillary uses such as a tennis academy they tried in

PUBLIC HEARING, ContinuedAllen Smith, Continued

the larger metal building to the rear. Due to many factors, the least of which was the availability of help and transportation tentative to the wallpaper manufacturing business, the economics of the situation dictated that they move their operation to Hauppauge and they have done so. For the past three years or so, they have been attempting to find other users or buyers for the property for the uses for which it is currently zoned which is Office Service. And that name or description aptly describes what might occur at that particular location. These young men have appeared before this Board and other Boards of the town and have described their efforts to find tenants, buyers for the property as it is currently zoned and there are none. For the purpose of this particular record, I would appreciate it if the Board would read in to my testimony this evening and into the record of this particular matter, the several applications that have been made by the Faltins and the predecessors with reference to this particular property. Most of these applications have been to the Zoning Board of Appeals and have related to various use variances on the property. At one time it was used for, I believe, a dress or goods manufacturing operation called Riverthal. Another time it was used by one of the members of the Kart family for an arms manufacturing establishment. The Faltins are actively trying to liquidate this particular interest in the Town of Riverhead. They have, as I have said, no one that is interested in it for the Office Service use classification. Most recently, they have had a potential buyer and someone that would improve the property. Somewhat ironically, if you will, put it back to the farm use that it once had of a produce receiving/shipping type operation coupled with a supermarket. The idea would be to add some loading docks for some of the green crops that are grown around here, very similar, if you will, to the auction; process the crops during the growing season through this operation both retail and wholesale and ship out of the area. The problem with it is, just as it never made it as a farmer's market before, is the seasonal nature of that particular use. It must have ancillary uses that come along with it. In this particular instance, it would be retail. Obviously, the supermarket itself would be a retail use. It is a parcel that is properly sized for such a thing. And I guess the long and short of this story which I guess the Board has heard before is that there is no interest by anyone in this property or the adjoining properties for the uses which it is currently zoned. And if the property is to be put to productive uses, some changes will have to be made. Thank you."

Supervisor Janoski, "Thank you Allen. Allen, could I ask a question before you leave? We have a number of applications here this evening which are applications for change of zone along the same corridor. Would you have any objection as representative of your client, that as the time comes to open the sequential public hearings, that we have them running concurrently?"

Allen Smith, "Absolutely. Those things that Mr. Danowski would say on behalf of his clients, appertain to the Faltins. And similarly, those things that I have said in the past with reference to Mr. and Mrs. Karts property, also appertain. So it is not out of order that they be considered in the whole."

PUBLIC HEARING, Continued

Supervisor Janoski, "Is there anyone present wishing to address the Town Board on the matter of this application? Mr. Benedict."

Dick Benedict, Riverhead, "It seems I remember not in the too distant past, we went through a lot of trouble to zone this area to the Office/Business or the Office/Campus whatever. And now it seems like every few months there's another application coming for a business. As he said, the Faltins are looking to sell it and move back to Hauppauge, or just get rid of it. But we just went through Mr. Cullin's single-story buildings with nice brick facade. They look real nice. I understand the state is going to do something with the intersection at 25 and Doctor's Path and I wonder why we just want to change these business zones. I don't think it would be good for the area. Especially after Mr. Cullen finally got something decent in the area there with the Department of Motor Vehicle there. Somebody buys it for business, puts in a, like he said, possibly produce or what ever they want. It's a big piece of property on the corner. But it seems to me, that we change zones all the time. You make these big plans and pay for a study and everybody wants to change it right a way. The people living in the area don't feel comfortable because you never know what's going to happen. You get it changed, five minutes later, a year later, some lawyer comes to change it again."

Supervisor Janoski, "As much as it shocks me Dick the way time goes by, we did that work in 1983 which was five years ago."

Dick Benedict, "That's not long when you're talking about zoning. We're piecemealing. We're strip zoning again. You have an overlay and we take each one as it comes because somebody can't sell it. Well, we'll trying something else. Mr. Cullen had a long fight. He finally put in something decent. Those are some nice buildings. And now right across the road, we're going to change it to business. Almost anything could go in. What about the state when they put the intersection in there? There's some big plans for some big major divisions in their property."

Supervisor Janoski, "I take it that you're opposed to the application?"

Dick Benedict, "Well, I think we ought to consider what we're doing. First of all, we're setting a precedent again, on all of 58 which we just went to a lot of trouble to change the zone. Thank you."

Supervisor Janoski, "Thank you Dick. Let the record show that the hour of 7:57 p.m. has arrived. The Town Clerk will please read the notice of public hearing. We're going to continue sir, with this. We're going to have them run concurrently. They are very much the same topic of subject matter."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Rivrhead Town Hall, on Tuesday, May 17, 1988 at 7:55 p.m. to hear all interested persons who wish to be heard re: The Change of Zone Application of D.B.M. Co., Herbert Mandel and Richard Israel, along Route 58.



PUBLIC HEARING, Continued

Supervisor Janoski, "Thank you. Peter, are you here representing your client?"

Peter Danowski, Attorney, "Yes. For D.B.M. Co., and I would note that Richard Israel is the one principal and is in the audience tonight. As a matter of history for the particular project, I did hear Dick Benedict speak on the prior public hearing. I'm well aware that he spoke earlier several years ago. In fact, what has happened here and I have had a chance just very briefly, to review the public records today concerning what transpired historically with the Route 58 Corridor; is that the then existing Town Board noticed a public hearing for a proposed change of zone effecting the Route 58 Corridor. The particular changes of zones were somewhat different from section to section as to what was then the existing zoning. However, the actual adoption of a change of zone was not consistent with the actual publication of a notice of public hearing. The original public notice and the public hearing called for the Office Service zone to basically extend from Northville Turnpike to approximately 105. When the actual adoption took place, however, a portion of that Route 58 Corridor, maybe it's correctly called Route 25 Corridor as it goes east, was not adopted. So there's some question in my mind as to the legitimacy of the actual rezoning from business "B" to Office Service as it effects my client, D.B.M. Co. For the people in the audience, D.B.M. Co. owns what used to be Riverhead Lanes. It's a particular site that's been used for other than Office Service for an extensive period of time. It was a bowling alley that was sitting in a rather unattractive site in a safe state of disrepair. My client spent a great deal of money in purchasing the property in hopes of, once again, obtaining a retail use for the site. He has had no one wishing to use the property for an Office Service use. And I will note that it's interesting sometimes how opponents on projects have many similar comments to make even though the end result is different. There was some opponents of the proposed Office Service zone and opponents of any rezoning, basically pointed out before the old Town Board adopted the change of zone; that to adopt the Office Service zone was tantamount to what we would today call an inverse condemnation. In fact, the Town Board and the planners for whatever reason, did not pay attention to the width of lots and the very stringent requirements in the Office Service zone. So in fact, there are written communications forwarded and filed with the Town Clerk that basically pointed out; if this Town Board changed the zone and it effects this particular parcel in question, D.B.M. Co., or Riverhead Lanes parcel, if you changed it to Office Service, the person would not be able to use his property. And there was some very detailed memorandum submitted to the Town Clerk prior to the Town Board's passage of the adoption. And that is the truth of what happened. You passed an Office Service zone that does not work. I'd like to, at this time just so the audience can see it and I think this Board has been showed this display before, I would ask that Mr. Howard Young of the firm of Young & Young to come up and display both for the audience and this Town Board some particular maps which will spell out and illustrate how the Office Service zone does not work and how it does not work in particular with the Riverhead Lanes site. I would also say, as Howie is setting up the tripod if he does ever get it set up, is that we join in the application and support the application of Gary Faltin. We also indicate that we might as well say at this point that there are many others on the Route 58 Corridor who have requested that their particular property be designated Business "B". Most of those or many of those people were pre-

PUBLIC HEARING, ContinuedPeter Danowski, Continued

viously zoned Business "B". And in my opinion, they have been incorrectly and illegally zoned Office Service. But first, here is an example of what the property would look like in a Business "B" zone. This was the way the property was zoned before, at least it was zoned in a business use. It was also the site of Riverhead Lanes, non-conforming or conforming use prior to zoning. It was also the site of a special permit application for a health spa that was approved by the then existing Town Board. So it went from a bowling alley site that was legal to a special permit that was granted for a health spa to an ugly unpainted, unkept Riverhead Lanes parcel that our client wishes to spend a great deal of money on to improve for a retail use. Mr. Young is now beside the drawing that he has depicted showing where parking could be placed on the site. And if you go down there today, you see the actual pavement that still exists from years before in that the pink color. For Howie that indicates to me from time to time that he is color blind. It's a rectangular area in the middle of the parcel as the existing site. We would be able to use the parcel if it were zoned Business "B" and provide the necessary parking. I would indicate also, just immediately to the east running adjacent to the parcel, is a county drainage easement that goes out to New York State Route 25 and we have communicated with the county and the state in hopes of being able to use that particular parcel. Especially with a view toward some comments that perhaps it would ease any traffic problem from the site. I'd also indicate that Bill Kreitsek who owns Suffolk Lighting is supportive of this particular application and he will be one of those people who will be following up with a similar application to change the zone. If you'd flip that for a moment Howie, let's see what we can do with the property today under an Office Service zone. If you follow the setback requirements and you look and where you can provide a building and where you can provide parking, you can not meet the parking requirements of this town. And the little triangular shape that fits within the bowling alley building site, would be the only permitted building area you could have. Howie could you just indicate what the required parking is and how many parking places could be provided on site meeting the Office Service regulations?"

Howie Young, Surveyor, "This is the Office Service with the existing building of 13,000 square feet which would require 43 parking spaces. Under the setbacks required by the Office Service setbacks, you would be able to provide one parking stall."

Peter Danowski, "One parking stall is what this Town Board has told my client he can put on this property and I don't think it's fair to suggest to any applicant that; well, you can go back to the Zoning Board and apply for a variance. I think you have heard in years passed, although I may have argued against it from time to time, Mrs. Tormey may say this is a matter for legislation by the Town Board and not a matter for a variance from the Zoning Board. So I think it has to be directed to the attention of this Town Board that something has to be done. And I'm suggesting to you, you have to allow retail business uses and you certainly have to clean up the setback requirements, the overall area requirements

PUBLIC HEARING, ContinuedPeter Danowski, continued

with regard to what you call the Office Service zone. I'd also indicate that we are now the owners, D.B.M., Co., quite technically, Mr. Isreal and Mr. Mandel own a neighboring parcel that's in single and separate ownership formerly owned by Mr. Goodfield and Mr. Obser. On that particular site, if you allowed the Business "B" zone to be in place, you would be able to legally place on site a building and you'd be able to provide some parking. This is taking into consideration, however, the country drainage easement demarcation line. Under the current zoning that you have placed on this site, you not only can't provide for any parking, you actually have overlapping setback requirements. So you get zero building area permitted. So you permit this man to basically farm this site and that is it. We're talking about helping the local businessman and creating a tax base in this town, you have effectively condemned him. I'd also note that this particular parcel is a piece that was subdivided with permission from your Planning Board. I don't mean to overlap my time here but we do have different clients and there is a comment to be made with almost all of them. Howie, if you would show, if you could, the area map and I have prepared this map sometime ago prior to others who could be added to the site. This basically depicts the area from Northville Turnpike over to and including Route 105. We've got, for a public hearing tonight, we'll start from 105. We have Marilyn Gatz and Walter Gatz's piece that was formerly the proposed side of Doug and Carol Sowinski's beverage business. That was a site that the Planning Board recommended to be changed to Business "B" and that the Town Board rezoned to Business "B". Across the street, whether we say that's the property of Jerry Heingartner or Kinney Chevrolet or Kinney Motors, it's where they sell the chevrolets. Property has been purchased over the years in anticipation of the need to expand Mr. Heingartner's business. The property that used to belong to Mrs. Draper is now included. The property that used to belong to Mr. Steibers is now included as parcels owned by Mr. Heingartner's organization. He has an existing retail business. He pays taxes in this town. You have said to him or you're saying to him, let this remain agricultural. He has asked to be able to use this for retail business and to expand his business. I would note that Mr. Heingartner was fully supportive of the original application to make this Business "B" and that was not spot zoning. It was an extension of an existing Business "B" demarcation line that is basically the same line that the Town Board followed in their final adoption process. Basically when you segregate the yellow and the green color, it's a demarcation line which spells out where you have rezoned and where you have not. It was along a then existing line of Business "B". So Mr. Heingartner has asked you five years ago or thereabouts, please change me to Business "B". The Planning Board considered it. They recommended it. The Town Board passed it. He then came up when you were about to convert to Office Service and said publicly before the then existing Board, please don't make me Office Service. Allow me to be Business "B". He's saying that again tonight and the record reflects that fact. Again, we've now said; here is the Gatz' property, there is D.B.M. Co.'s property. We now go to the bowling alley, Gatz', Heingartner's. Herb Obser owns a piece that used to be owned by August Stakey. It is a change of zone application that

PUBLIC HEARING, ContinuedPeter Danowski, Continued

has not yet reached this Town Board. However, it is in process of being reached. John McNamara and his organization, 347 Realty Corp. own property that we best describe as the Saul Lerner parcel that again, is property that fronts on Route 25 around the Kinney Chevrolet site. He is fully supportive of this application and will make his own application for a change of zone. I would also indicate that the front two parcels of Route 25 that are owned by Louis Bonavita and Sons, Inc., Evergreen Homes, that a pending application for a change of zone, again, is in the process and the Planning Board has recommended that the Office Service zone be placed on that particular site. However, today, it's zoned agriculture if I'm to follow the last resolutions in the Town Clerk's office. Again, I spell out and I comment, that when the Board previously published a notice saying that they intended to change certain areas from Business "B" to Office Service and they, thereafter, did not adopt in total what they published. I question the legitimacy of the later adoption of an Office Service zone. In my mind, it is still Business "B". I'll step back so you can read the next public notice but I'll be back up here in a second."

Supervisor Janoski, "Are you in fact, Peter, the council for the next applicant?"

Peter Danowski, "If you read the notice, I think I am."

Supervisor Janoski, "Alright. So let the record show that the hour of 8:14 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, on Tuesday, May 17, 1988 at 8:05 p.m. to hear all interested persons who wish to be heard re: Change of Zone Application of Walter and Marilyn Gatz for property located on Route 25 from Agricultural "A" to Business "B".

CORRESPONDENCE:

John & Rosemary Hawkins, 5/17/88  
Asks the Board to vote against any zone change from Agricultural to Business.

Supervisor Janoski, "Peter, before we start, would you happen to be council for the next applicant, 25 East Realty?"

Peter Danowski, "That is Mr. Kinney's organization, I am."

Supervisor Janoski, "Well, why don't we note that the record, let the record show that the hour of 8:15 p.m. has arrived and have the Town Clerk read that notice of public hearing."

PUBLIC HEARING, ContinuedPUBLIC HEARING - 8:15 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 17, 1988 at 8:15 p.m. to hear all interested persons who wish to be heard re: The Change of Zone Application of 25 East Realty Co. for property located at the intersection of Route 25 and Route 105 from Office Service to Business "B".

Supervisor Janoski, "Thank you."

Peter Danowski, "Again, not to repeat myself but certainly, 25 East Realty Co., Kinney Chevrolet, Kinney Motors, Jerry Heingartners wishes to be able to expand his business. He can not do that. If you're going to let him remain in Agricultural, he won't be able to do it. He won't be able if you say it's Office Service. He will only be allowed to do that with a change of zone to Business "B". It is a change of zone that he had obtained from the Town Board after a positive good recommendation from the Planning Board. And again, I believe that the old report that was submitted by the town's outside consultants, did not take into consideration the size of the parcels and the stringency of the Office Service requirements. But once again, there has been a good deal of change from years ago when we had a lot of vacant shopping centers, when we had no activity on Main Street. And quite frankly, I think there is going to be a positive movement to try to gain permission from the town to put more and more office space in downtown Riverhead to pull up those vacant stores. And I think the natural progression is for the retail operations to be added to Route 58 and 25. You also have today, which you did not have several years back, and that is a very detailed and thorough site plan review process. So that any retail establishment that wants to locate in the Town of Riverhead, has to go through a rather detailed procedure that is reviewed by each and every one of the members of the Town Board. So for those people who are concerned about landscaping, about architectural appearance, about traffic patterns, there is certainly the ability by site plan review to address each of those issues. This might not have been the case when the original outside planning consultants were discussing what should happen with the corridor. I have nothing further to say at this point. However, I would like the opportunity after we hear from the public to respond to any possible comments that they might make."

Councilman Lombardi, "Is there anyone else who wants to speak? Sir, in the back."

August Muller, "I own a parcel of land in the business corridor, a home there also and I'd like it on record that I approve of this rezoning into business. I've seen it grow into business. The business across the street from me, the business next to me, there will be business in back of me. It should be business. That's all I have to say unless I could ask a question. Do I have to go into all this and have a hearing to get mine into business? Do we have to go through all this over again?"

PUBLIC HEARING, Continued

Supervisor Janoski, "It would depend on a number of circumstances. The Town Board, can, on its own volition, move to rezone the entire corridor. And if the Town Board were to act favorably on these applications, I would think that it would make sense not to leave out certain isolated pieces of property. That is if the Town Board were to react favorably. Mr. Goodfield."

Ed Goodfield, "I own the property adjacent to the piece owned by Mr. Mandel, the piece that is occupied by Edwards Sport Center. And I have appeared before this Board many times regarding this very situation. In response to the gentleman that spoke earlier about not changing the zoning because there's so many people requesting change of zoning, should be an indication that it was rezoned improperly in the first place as I had said early when you were planning to rezone it. It was business before. It was changed to Office Campus. And now everybody that owns property there, is requesting that it be rezoned back to what it was originally, business which is the only sensible solution. If what you did was correct and proper, there wouldn't be so many property owners coming before you requesting that this be changed back to business the way it was. Now, I'd like to ask the Town Board a question. What is the difference if a piece of property is occupied by a retail store or an office?"

Supervisor Janoski, "The difference is intensity of use. Retail development would fit into a category creating higher turnover of traffic."

Ed Goodfield, "Not so. What do you classify the Motor Vehicle Bureau as?"

Supervisor Janoski, "An office."

Ed Goodfield, "And that probably has the highest traffic of any establishment in the Town of Riverhead. So therefore, what you're doing is you're not using common sense."

Supervisor Janoski, "Yes and no. I'm not going to argue against the applicant. But I would point out that the Motor Vehicle is open Monday through Friday from 9 to 5. Retail stores are open seven days a week later in the evening but that's an observation."

Ed Goodfield, "But the point is, there's more traffic generated through that Motor Vehicle Bureau."

Supervisor Janoski, "Than a supermarket?"

Ed Goodfield, "That's right. And you also have a doctor's office, lawyers offices and you have other offices such as optometrists and opticians and they also generate a large amount of traffic. And in essence, they are business also. So what is the difference whether it is an optician or somebody selling sporting goods or auto parts or anything else? They're all actually businesses. And the appearance is the same whether it be an office or a retail store. Now, those buildings across the street from me in the portion that the Motor Vehicle Bureau is in, you can't tell whether

PUBLIC HEARING, ContinuedEd Goodfield, Continued

they are retail stores or whether they're offices. They look the same. The appearance is the same and they're is still a tremendous amount of traffic generated by office service businesses as well as retail businesses. You can't really separate them. You can't make any exceptions really. So, I think what the Town Board has to do is use a little more common sense in how they apply these zoning rules. And if there's so many people that are applying for change of zoning, then it's an indication that you acted improperly in the first place. Otherwise there wouldn't be so many of them asking for a change. In essence, all they're asking is that it be changed back to what it originally was because it was improperly rezoned from what it was originally. Thank you."

Supervisor Janoski, "Thank you Ed. Mr. Kent."

Mike Kent, "I'm the president of Riverhead Chamber of Commerce and I'm going to make your day. I'm here because we have been variously petitioned by the people who want this done and the people who don't want this done for the Chamber to take a position. Now, we have a Board meeting coming up this coming Thursday and this item is on the agenda. So, in reference to making your day is just to let you know that we are going to take a position on this. And hopefully, reappear at the next Board meeting and speak on it. Thank you."

Councilwoman Civiletti, "Mr. Kent, you mean you're going to come to a decision on something at one meeting? What a concept."

Paul Baker, "Good evening. I'm the president of the organization of Riverhead Civic Associations. Two years ago, you began a study of land use in town to preserve farmland and we applauded your efforts. One year ago commissioned planning studies to carefully plan land uses in Wading River, Aquebogue and Jamesport. Ten months ago, you allocated town funds and established a Planning Department. We applaud your courage to begin intelligent planning for land use in this town. A finished plan for the farm program appears near and now and we hope for its adoption soon. You have attempted to listen to all arguments about land use in our town and we thank you. We need you, however, to continue intelligent planning. You must stand fast against those who are opposed to good planning. We have requested in the past, that you oppose down zoning until planning is completed. You have wisely committed town resources and money to good planning. We count on your continued strength in rejecting all applications for down zoning until this planning is completed. **Do not** waste our expended resources at this time by putting the cart before the horse. Please support good planning. Please deny these applications for down zoning. Thank you very much."

Supervisor Janoski, "Thank you. Mr. Kasperovich."

William Kasperovich, Wading River, "We have four public hearings here in the same general concern. And I will say once again, that I object to documents being presented at a public hearing. a public hearing is for the public and they should be aware of the documents prior to the meeting. These are real good drawings. They

PUBLIC HEARING, ContinuedWilliam Kasperovich, Continued

should have showed up here five years ago. But at this time, how could anybody give it any concern? They could see it, they appreciate the amount of work that goes into it but how could they think about it? How could they offer any concern as citizens of Riverhead? This is something that the Town Board has permitted year after year and I will continually object to this. Now, our well known counselor at law as you refer to as St. Peter, makes some statements that only his boss would know. There's no way to verify it, validate it or even consider it reasonable. I'll give you an example. I will sell you my home tonight here and now for 200,000 dollars in cash. Only Mr. Janoski might be a taker. I doubt if anybody else would. But to stand here and say that my client hasn't had any takers, is like my saying nobody wants to buy my house for 200,000 dollars. And I object to that being permitted here. If it can't be verified or validated, it should not be acceptable testimony. Unfortunately, in the past week, I've run into developers and people who are searching for usable areas, who are concerned in investing money for fancy returns. And a lot of fancy dreams going on in the Riverhead business area or the business world. But it only shows up when people want to do something that they could see to make money. If they could see it in one direction, they come in one direction. They see it in another direction, they come in another direction as tonight. But if somebody comes around with a reasonable offer, the owners aren't interested in modifying or altering their property. And as far as bringing to our attention that parking requirements and setbacks are outlandish, is certainly improper. There is nothing wrong there to encompass all possibilities and leave yourself the last word. You have to do this. And it's being presented here at a public hearing as if it's something wrong. And I think this should be noted. As far as the compliments thrown out to the site plan review that's being done today, I don't think it's any one iota better than it was ten years ago and that's my opinion. But people will cry to do something and if they can see a buck, then they will come here and try and get away with it. The fact that they use local attorneys and local people to influence it, should be disregarded completely because this money is not coming from Riverhead. It's coming from elsewhere. And this influence upon you people and the public by local men, should be discounted completely. They give us facts, fine. Everything else is eyewash and I think we've had enough eyewash here at this microphone. Thank you."

Supervisor Janoski, "Thank you Bill. Betty."

Betty Brown, Aquebogue, "I'm this evening, representing the North Fork Environmental Council. To begin, we object to the 347 Realty that is colored in here on this map and consider some pretty fancy footwork. This is about the limit to come down here and have this application slipped in with the other applications when the public has no opportunity to address the zone change that takes place from 105 all the way up on the south and north side of the road. I ask that the Town Board strike the inclusion of this Mc-Namara property from this public hearing tonight. It was not published. It was not posted and this is an attempt to pull the wool



PUBLIC HEARING, ContinuedBetty Brown, Continued

over the public's eyes."

Supervisor Janoski, "Betty, excuse me. There's no hearing that I have listed here on 347 Realty."

Betty Brown, "No. There was no hearing and no one knows of any comments that they would like to relate to this. But you can see it's certainly colored in up there for your consideration."

Supervisor Janoski, "Well, what we have here are four public hearings which are specifically noted and there is no application being considered for 347 Realty and I don't think anyone has slipped anything in."

Betty Brown, "Mr. Danowski would like to have that included as he so stated."

Supervisor Janoski, "Who would like it included?"

Betty Brown, "Mr. Danowski is representing Mr. McNamara and he has colored it in purposely. And we have not had the opportunity to..."

Supervisor Jansoki, "Well, Betty I'm telling you there is no public hearing going on. We could not change that zone if we wanted to without another public hearing."

Betty Brown, "Well, ok. I also wanted to make mention that there was improper publishing of the East Realty public hearing this evening. The address is incorrect and I don't know if you would like to continue with that hearing or strike it."

Councilman Pike, "Could you be more specific."

Betty Brown, "It says it is located... Change of zone property located on intersection of Route 25 and CR 105. That is the McNamara property. It is not East End Realty's property. So that one, I think, is a goner. I would just like to address a few segmented comments before my prepared talk here. Mr. Carey had come up and he had talked about reducing the traffic on Middle Road. I guess there is quite a lot of concern in regard to that. The North fork Environmental Council understands the crisis that Mr. Faltin is facing. We suggest as an alternative, perhaps, an agricultural "A" zoning. Considering the number of projects planned for the Middle Road area, to add a business use would be irresponsible. A business use of this land of five acres could and would allow for any use; a video store, a bar or even another McDonalds. The town has no guarantees that the buyer that Mr. Faltin has lined up actually has a wholesome use for that land and not a use that would be keeping within the community. So comments directed toward D.B.M. Co., and Mandel; possibly the Board in consideration of his problems, could send a directive to Mrs. Tormey to address an appropriate variance for that parcel. After extensive review of the information in the files of the applications tonight, it appears that a short environmental assessment form has been filed for each application. These short forms available for unlisted action, have not been reviewed by the EQRB. And therefore, no determination has been made. Considering the segmented approach to down

PUBLIC HEARING, ContinuedBetty Brown, Continued

zoning, not only does it not afford the community an opportunity to know and even understand what areas are under consideration, it is contrary to the intent of SEQRA to consider a portion of an action. Under general rule part 617-3, it states; no agency shall carry out, fund or approve the action until it has complied with the provisions of SEQRA. This has not been addressed and I urge that we do not take short cuts. As has been brought out this evening, there is some history involved with these applications. The attempt to rezone the street, Route 25, north and south, was unsuccessful. A Supreme Court Judge Burke, reversed the decision and the zoning remain as it was on September 28, 1984. Three months later on January 2nd, this parcel was purchased. The owners, knowing very well that business "B" was not a possibility at that time, that the whole community was in opposition to a commercial use here, went ahead and purchased the property anyway. I bring this point up as it seems that the owners knew very well what they were purchasing and now claim that they can not sell it as it is zoned. Residents for years, have been complaining about the traffic on this strip being considered tonight. To consider a change of zone that would increase the use of this particular area and create a potential for additional traffic loads, does not make any sense at all. The study done by the consultants, Raymond, Parrish, Pine and Weiner in 1983 for the Route 58 corridor, describes this eastern portion and the need (and I quote) to maintain the low density character of the area and to discourage the expansion of commercial activity in this portion of the corridor. I would like to mention also that the Board relied on this report and rezoned this corridor in accordance with those recommendations. Please enter into the record that study and also a study done by the Inter Science Research Associates from 1984 and I have it with me tonight for the record which is a planning and development consultant firm in Southampton that supports that low density transitional use. Just to the west of the residential properties is a 67 home subdivision called Duck Pond Estates. I'm sure you're all familiar with it. This residential community was part of the Andrea Estate and purchased by Louis Bonavita and Walter Gatz. The larger acre retained by Mr. Bonavita and the 2.67 acre parcel was purchased by Mr. Gatz earlier mentioned and now is the subject of rezoning to business "B". I would like to submit a letter dated June 9, 1986 from the Director of Planning (Lee Koppelman) regarding that subdivision of Duck Pond Development. It states that after deliberation, it resolved to disapprove the map of that residential community for the following reasons: (there are three and I'll just read the first one) there is only a single means of access for the subdivision. Should this access be blocked for any reason, it could jeopardize the health, safety and welfare of the future residents of the subdivision. The question of additional access should be resolved as recommended by the commission in 1984 when the proposed subdivision known as minor subdivision, Estate of Eugene Andrea was being considered by the town. Without an alternate means of access, residents of this subdivision will have difficulty in entering and leaving the subdivision due to the back up of traffic on the main road, particularly during the summer months. This can lead to a demand for a traffic signal at the intersection which will reduce the traffic carrying

PUBLIC HEARING, ContinuedBetty Brown, Continued

capacity of the Main Road at this location. That is the frontage of the residential community of this ~~entire area that we're~~ talking about rezoning tonight. I'll give you that for a copy. Now, regarding the agriculturally zoned land owned by Mr. McNamara, the North Fork Environmental Council questions first, the reason there has been no application submitted for a change of zone by the owner prior to this evening. We were present during a work session that the attorney attended in the discussion of these down zonings. And Mr. Danowski informed the Board and he'll probably remember also, that he said; we all know Mr. McNamara isn't a farmer now. I ask this Board how the public can be asked to come and offer input on something as important as a change of zone when the facts are not out on the table. Is Mr. McNamara a party to this zone change."

Supervisor Janoski, "Betty, I'm going to point out to you once again,...."

Betty Brown, "I would like to continue please. If he is also, where is his application?"

Supervisor Janoski, Betty, please don't tempt me. I am going to say one more time, that in order for this Board to consider a change of zone for Mr. McNamara, it must refer the matter to the Planning Board. It must get a recommendation from the Planning Board. It must hold a public hearing on the change of zone and then act. There is no consideration before this Board of a change of zone of Mr. McNamara, period. That's it. You can say what ever you want to say."

Betty Brown, "Perhaps you should mention that to Mr. Danowski. The land in question is actively being farmed and the town is making overtures towards the preservation of farmland. The North Fork Environmental Council feels that it would be inappropriate to down zone farmland to business. As that would take more land from the farmers and certainly not promote agricultural uses. The North Fork Environmental Council feels strongly that there is not sufficient information offered to justify a change of zone for any of these applications. They have no factual basis and are surely speculating. Zone changes are for the benefit of the health, welfare and safety of the community. And if this dangerous precedent goes unleashed, before you know it, we'll have these very same down zone applications for land use on the other side of 105, Route 25. Increasing commercial development when we do not have a pressing need for more strip shopping centers, will only prove to weaken the shopping districts we now have. The Planning Board recommends that you deny these applications and the North Fork Environmental Council agrees."

Supervisor Janoski, "Thank you."

Marianne White, Riverhead, "I must express my opinion against changing the Country Rural Office Service zone of these parcels of land that are an issue tonight and in the future to business "B". I assumed that the study in 1983 on the corridor determined the capacity of Route 58 as a future projection. I also assumed that conditions

PUBLIC HEARING, ContinuedMarianne White, Continued

since that time, have not been circumvented or alleviated. If anything, the situation has worsened. To create a more intense use of the land west of Route 105 and east of Northville Turnpike would truly be an example of poor planning and foresight. Allowing these change of zones would create a haphazard patchwork and contribute to the accelerated undermining of our rural quality of life which is always underway in Riverhead. As in the facade, the type of business introduced by that within the Country Rural Office Service category would unquestionably be more practical to a career or young graduate who hopes to maintain roots in Riverhead then would yet another strip type shopping mall which typifies the use by establishments of business "B" on Route 58. Certainly in that light, the desires of a very few can not outweigh the needs of many. Thank you very much."

Supervisor Janoski, "Thank you."

Harry Katz, Wading River, "I just want to come out against any change of zoning in this case. I think the decision was made and it was a good decision and I think we should respect it and move forward with a good sensible plan. Thank you."

Supervisor Janoski, "Thank you. Mary Beth."

Mary Beth Andresen, Aquebogue, "Good evening ladies and gentlemen, Mr. Supervisor and members of the Town Board. I'm here this evening to address the following change of zone issues: not singly but accumulatively for the impact of congestion generated by the down zoning to commercial development which will truly be felt accumulatively. According to Frank Weisberger, and I spoke to him today, from the New York State Department of Transportation and Construction, commercial down zoning of property impacts traffic by increasing the amount of vehicles within the immediate area. The cars that encompasses this down zoning and circles the area immediately west of the junction of County Road 58 and Route 25, the intersection of Doctor's Path and Middle Road. And to the intersection of Route 105 and Route 25. What also must be considered are any remaining agricultural or residential parcels along this corridor that might be included in this strip zoning. Some prime agricultural properties could be thrown in so as not to make this down zoning appear to look like spot zoning. Ladies and gentleman, I have fought down zoning in this area before. The fight went to the Supreme Court and the applicant lost. Thereafter, this parcel was purchased by speculators who now seek a hardship decision on a rezoning. This was on one of the applications. I fought the down zoning of this area on two major issues. Traffic with its increased congestion and failing to provide a need for this down zoning. I stand once again, on these two issues. Riverhead Town contains many parcels of commercially zoned land. Some with or some without available structures. This negates the need for further down zoning at this time. As for hardship and being unable to sell properties at this time in the town, most of our recent rampid growth came to a sudden stand still after the stock-market crash on black Monday coupled with the new tax laws of 1988.

PUBLIC HEARING, ContinuedMary Beth Andresen, Continued

In addition, equitable and more realistic pricing of these properties could possibly promote a quicker sale in a declining market. My other major concern to this down zoning is traffic congestion and accidents. As most of you, I live east of the 105 intersection and have three actively involved children who attend school west of this intersection. I truly must pass through this intersection at least twenty times a day. I have been witness to numerous traffic accidents involving cars, pedestrians, bicycles and animals. The merge of Route 58 and Route 25 with the U-turn at Doctor's Path, three lanes in to two, to a major intersection already heavily congested coupled with business of Homeside Florist and Kinney Chevrolet, can not be further compromised by additional commercial development in this half mile area. According to D.O.T. statistics, this stretch of road from Route 58 merge to the Route 105 corridor encompasses one of the areas of greatest congestion on a state road in Eastern Long Island. Statistics from 1985 and I'm sorry the state doesn't have a more updated figure, states that Route 25 volume within 24 hours before the Route 58 merge is 9,000 cars daily. This increase is to 16,000 cars at the merge of Route 58 and 25. This yields a peak rate of 1,120 cars per hour on this specific corridor. Now anyone who travels this intersection, knows that the traffic volume has increased since 1985 when these figures were tabulated. Mr. Charlie Kildorff in the Office of Planning of New York D.O.T. states at this time, the road is up to capacity and the volume should not be encouraged because the state has no plans to widen, repave or create new lanes for this corridor within the next five years. In fact, he said; that possibly widening would help but he was very very concerned by adding turning arrows because it may create a more hazardous situation for the north/south traffic on County Road 105. According to Nick DiaContonis, the New York State Department of Traffic Safety, the following are within the accident statistics within this section. In 1985 there were four listed accidents. In 1986 there were ten listed accidents. In the six months in 1987 from January to June, there were 12 listed accidents. Although this may seem like a small amount, three things must be kept in mind. In the six month period in 1987, had a yield of  $2\frac{1}{2}$  times the amount of accidents from the previous year. These accidents report not the amount of vehicles involved. For example, one accident may involve three to four vehicles which is usually the case along this tightly packed stretch of road. And three, these figures may be misleadingly too low. In fact, Mr. DiaContonis stated that when the state started their recent investigation of the fatalities on the Southern State Crossover, the report of the statistics that the state had were three times less than the police blotter showed with a more thorough investigation. As he was quick to point out however, human error in reporting data, sometimes becomes very sloppy. One must also consider the new development in this area with its major ingress and egress on to these corridor. I dare say, during peak hours, one will not be able to enter or exit. The impact of traffic patterning by this development in this area has yet not begun to surface. One does not need a statistician to see that the accident rates from 1985 to 1987 rose six times the amount. That this is directly proportionate to the motor vehicle usage. A rough estimate might yield numbers traversing this intersection of 90 thousand or more. Think about it. As it is during peak times or

PUBLIC HEARING, ContinuedMary Beth Andresen Continued

weekends, I look for alternative routes, Sound Avenue and Hubbard to avoid this intersection to get downtown. In fact, often now, I'm looking to the east to shop and I'm sure others east of 105 will do as well. The businesses in Riverhead will truly be impacted with this exit eastward. Obviously, Hubbard Avenue was not created with its residential neighborhood to handle diverting traffic just as Mr. Carey complains about the problems he is seeing on Middle Road. That road was also not built to handle diverting traffic. Just this morning, my husband was visited by another professional from Patchogue, who stated that the worst and longest part of his trip was when he exited off the Long Island Expressway and got to Route 25 and 58 to Church Lane. No, ladies and gentlemen, this strip has been earmarked for a low density, transitional usage from heavy commercialism of 58 and downtown Riverhead to a gradual addition of professional businesses, agribusinesses and an occasional residence. This decision has been endorsed by our Planning Board and further encouraged indirectly by the New York State Department of Transportation. You would be hard pressed to convince me and others of the need for down zoning these parcels. When are roadways keep pace with our growth, only then should we entertain a decision as magnamously as this. One can not deny the importance of this location with the future connection of the Expressway. And although one may quote, not within the next five years, we're not all that naive to think it will never be so. After all, as John Falacto, engineer for D.O.T. stated today, major county roads like 105 are earmarked to go somewhere. You see, my father is a civil engineer and for years he built bridges and roadways and connecting roadways. And when I was a child, I found it very difficult to understand why in the middle of Connecticut in a farm field, a bridge would suddenly appear. And low and behold, five to ten years down the road, the road literally paved the pavement that appeared to meet those bridges. I urge you to deny all of these petitions before you on the basis of that one; they truly present no hardship. Two, they would truly compromise an already severe bottleneck of congestion. Three, they will literally add insult to injury with motor vehicular accidents. And four, the need at this time can not justify the means. Every applicant tonight purchased their land knowing fully well what the zoning on that parcel limited the use on that parcel to. Each of them was a speculator and according to the New World Dictionary; speculators to buy or sell stocks, commodities or land hoping to take advantage of an expected rise or fall in price. Also, to take part in any risky venture on the chance of making huge profits. By voting no to these down zoning petitions, Riverhead Town could create the element of risk in the speculative real estate market and not ensure all of those who take a chance on speculation, the guarantee of windfall profits. I'm not against commercial development. We have much land earmarked for that in this town. I am, however, against speculators raping our land and leaving us the drags of commercial strip zoning and truly the Seldinization of Riverhead. Thank you."

Supervisor Janoski, "Is there anyone else wishing to address the Board on any of the applications? Mr. Olsen."

PUBLIC HEARING, Continued

Ernie Olsen, Aquebogue, "And I'm against this proposed zone change. And as most of the residents here spoke, it underlines the necessity for a master plan. I don't think anybody in this room is against progress. You can't turn back the clock but I would like to see it in an orderly fashion as well as all of you people would. As far as the master plan with all these factors taken into consideration, I don't think it would be necessary to hire a lawyer every time you wanted to have a spot zone change. If it fitted into the master plan, you have it. That's my comment. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Board? Is there anyone present wishing to address the Board on the matter of Gary, Wayne and George Faltin's change of zone. That being the case and without objection, I declare that hearing to be closed."

7:45 PUBLIC HEARING CLOSED AT 8:57

Supervisor Janoski, "Is there anyone present wishing to address the Board on the D.B.M. Co. change of zone from agricultural "A" to business "B", Route 25, Aquebogue? That being the case and without objection, I declare the hearing to be closed."

7:55 PUBLIC HEARING CLOSED AT 8:59

Supervisor Janoski, "Is there anyone present wishing to address the Board on the matter of William..."

Peter Danowski, "I just got pulled aside by a nice young lady that she's somewhat reluctant to come to a microphone. But Henrietta Edwards who is a landowner who I just left the hall with who spoke to me in thirty seconds and said she's not in opposition to the change of zone requests. The property is next to the Sunoco Gas Station. Her family has owned it since 1839 and she can't understand why these people are objecting and she's just too nervous to come to the microphone. So she gave me permission to make that statement. So on behalf of Henrietta Edwards who is in the audience, I want to say that she's not in opposition to these change zone requests. I have indicated where the property is located in Aquebogue on the Main Road. And my only further comment and I recognize you're in the process of closing the hearings, is I would like to be provided and I think (perhaps) some of the other owners of property on Route 58 between Northville Turnpike and where the demarcation line ends as to the area you've designated Office Service, would like to be provided with proof that the Town of Riverhead has filled out environmental assessment forms and has complied with the SEQRA process and has properly gotten a recommendation from the Town Planning Board and has properly addressed return letters to the County Planning Commission prior to their adoption of their change of zone changing the zone from Business "B" to Office Service. Because my cursory review of the file in the possession of the Town Clerk, does not evidence that proof. And I'm certainly aware that there could be other files, other locations within the Town Hall. But I would like, not tonight because I do recognize it probably can not be done, but some time in the immediate future

PUBLIC HEARING, ContinuedPeter Danowski, Continued

be shown that the Town of Riverhead, as it requires other applicants, has in fact complied with the SEQRA process. Thank you."

Supervisor Janoski, "Thank you. Where was I at? Is there anyone present wishing to address the Town Board on the matter of the change of zone application of William Gatz? Without objection, I declare that hearing closed."

**8:05 PUBLIC HEARING CLOSED AT 9:00**

Supervisor Janoski, "Is there anyone present wishing to address the Board on the matter of the change of zone application of 25 East Realty? That being the case and without objection, I declare that hearing to be closed."

**8:15 PUBLIC HEARING CLOSED AT 9:00**

Supervisor Janoski, "Let the record show that the hour of 9:00 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

**PUBLIC HEARING - 8:25 p.m.**

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 17, 1988 at 8:25 p.m. to hear all interested persons who wish to be heard regarding: Repeal of Local Law 4-1987 entitled Motor Vehicle Raceway.

Supervisor Janoski, "I think everyone in the audience is aware that the Local Law which was passed in 1987, was overturned by the Supreme Court on a matter of procedure. So it is necessary that before we enact a new Local Law, that we reappeal the old one. But, inasmuch as these two hearings are on the same subject, I will note for the record that the hour of 9:01 p.m. has arrived and the Town Clerk will please read the notice of public hearing on the proposed 1988, Raceways Motor Vehicle Ordinance."

**PUBLIC HEARING - 8:30 p.m.**

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 17, 1988 at 8:30 p.m. to hear all interested persons who wish to be heard regarding: Local Law of 1988 entitled Motor Vehicle Raceways.

**Correspondence:** May 17, 1988

Petrizzo & Aniboli, Esqs.

Refers to language of Local Law regarding stipulated racing time.



PUBLIC HEARING, Continued

Letter read into record;

Dear Ms. Moore:

This will confirm our telephone conversation of this date concerning the above referenced proposed local law. We believe that Section 4 Days and hours of operation should include the language found in the original raceway law to the effect that, "under no circumstances shall the last race of each evening commence later than 10:45 o'clock p.m." As I indicated this has been the informal rule at the raceway and it should be recodified. As a raceway we can control the time the race begins but not necessarily the moment it will end.

Our second and last point is that the race day should coincide with the race night interms of hours of operation. Since we can warm-up and race from 4:00p.m. to 10:45 p.m., we should be able to warm-up and race from 11:00 a.m. to 5:45 p.m. The racing events in the evening are similar to events in the daytime and require the same amount of time to complete.

We would appreciate your making these comments a part of the record at the public hearing.

Very truly yours,

Louis J. Petrizzo.

Supervisor Janoski, "Let me just say that the exclusion of the printed notice of the last race, no prohibition against any race starting after 10:45 was simply an oversight or clerical error. That it is the intent of the Town Board to propose in this 1988 law that inclusion. Pat would you like to explain some of the changes that have been made."

Patricia Moore, Town Attorney, "Some of the changes that we have incorporated into this local law is a definition of motor vehicle and it is intended..... This local law will only apply to motor vehicles that are used in racing. So that cars coming on to the premises which are not racing, are not subject to this local law. As far as the warmup which is also discussed in this local law, that also has been defined. We, after conversations with the attorney for the raceway, they requested that hours of operation be in the afternoon or in the evening. And as you can see from the letter he submitted, the 11 o'clock through 4 o'clock p.m. is requested to be from 11 to 5:45 p.m. which is the same amount of time as the 4 o'clock through 10:45. Also, in the event of any cancellation of any scheduled events, that the raceway may reschedule within the next week that event which is cancelled due to weather conditions. Those are the only changes that I can see."

Supervisor Janoski, "Thank you Pat. Sir, we can run some off if you would like that. Is there anyone present wishing to address the Board on the matter of this proposal? Is there anybody who works for me in the audience so that I can get some of these run off? Are you volunteering. You want to address the Board. Yes, you certainly have the microphone."

PUBLIC HEARING, Continued

Florence Sykora, Riverhead, "It has been almost a year since I stood at this podium and presented to you, the Town Board, a petition on the racetrack. Since then, we have a new council-person and we have a new Town Attorney which has to be baptized on the facts of this issue. The issue being the rules and regulations of the Riverhead Raceway which we are here for tonight. I thought I would write a few words about this issue, but going through the papers that we have on this, I came across two letters which I think gets to the crux of the matter. So, if you will go along with me, I would like to read them. But one I am not going to read because it pertains to noise. And this tonight, is not really on noise. This is on the rules and regulations of the racetrack. But if I was in a court of law and I was an attorney, ....."

TAPE ENDED

Supervisor Janoski, "....it will become part of the record of this hearing. If it is relevant in your mind, you don't have to read it. Give it to the Town Clerk and it will become part of the overall record."

Florence Sykora, "Alright. This other letter that I have was written by a person who lives in Millbrook Park. It was written last year at the time we had the meeting between Mr. Cromarty and his wife and some of the racetrack drivers and people from Glenwood, Millbrook Park, Foxwood and I think Rolling Park and I guess some from the homes in the area. She wrote; I, (and I will not use her name) residing at Millbrook Park, regret that I am unable to attend this meeting and request that this to be read. I address the honorable Town Board in regards to the Riverhead Race-track. Riverhead is a growing community with a never increasing population. Although the racetrack has been here for many years, the population in the past, was very small. So the racetrack had little or no effect on others. Now that we are growing, we must, as in other areas of our society, have rules that enable us to live in harmony. We have rules on zoning where we may build homes. We have rules for small businesses such as restaurant that need Board of Health inspections and so forth. We have rules and laws to drive our cars on the road. Our food stores have rules and laws all to protect our society. Even our mobile home parks have rules. Why does the raceway feel it shouldn't have no rules. Now, this is last year remember. Riverhead Raceway could be an asset to the community. The people in the area of the racetrack whether in houses or mobile home parks, are entitled to live in peace. The senior citizens that live in a mobile park have worked all their lives. Some took their life savings. Some sold their homes to purchase what they believed was a quiet peaceful place to retire only to find a noisy racetrack in their backyard. I feel a curfew of 4 p.m. to 10:45, this she stated last year, would be a big help. But more important, is for the racetrack to build, this I will leave out because I don't think it should be brought out. To put mufflers, I will say this one line here. But the other I will.... Or to put mufflers on all cars. This is the only solution to keep the racetrack going and the community people happy. If Riverhead is to have a racetrack, let us have one that will make us proud.

PUBLIC HEARING ContinuedFLORENCE SYKORA, Continued

Let us be able to lay claim to a racetrack with reasonable hours and one with a.... Now, let me make comments on this. I go along with the things that you said. Everything in life has rules and regulations. Now we've come to the point that we have rules and regulations. I hope they can be carried through. For the past couple of weeks that the racetrack has been running, I will say that I can't grade them as yet. Half the season has't gone through. I'd like to wait and see. But if it should go on the way it has, we could probably take the kind of racing that they're doing as long as we know there is mufflers on those cars that are helping to sustain that noiseless racing. We don't know this. I don't know what kind of cars are actually racing. There could be cars that could be racing in there with mufflers on there really. But there could come a time when there's going to be races that they're not going to have those mufflers on. I hope that can have something done about it through these rules and regulations. Another factor, whenever I was around and my husband was around with this petition, we never once, never once, said to anybody that when they signed that petition, that we wanted to close that track. We never did. We said we wanted a noise abatement for the track and that is what is on that petition. So we are not trying to put anybody out of business. We are not trying to take enjoyment away if children or somebody else wants to go to that racetrack. That's up to them. That's up to the individual, what they want to do as far as amusement is concerned. But I think if we can put some sort of strength into these rules and regulations, I think maybe, we both can live in harmony. It may take some doing on both parts but I think maybe we can do it. As I said and I'm going to repeat myself, we are not trying to put anybody out of business. We wouldn't want to. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present? Silly question. Who is next? Who would like to be next to address the Town Board?"

Ed Purcell, E. Main St., "I've been involved in this problem of the raceway, I've been involved in the raceway since probably 1960/1965. I started going, watching. In 1970 I started participating. Well, as most of the Board members know, back a few years ago (I guess it was three years ago, I don't know exactly) when we started having all the problems between the mobile home parks and the raceway. I think if the Town Board had passed a muffler law, I'd say probably 90% of the problems would have been solved. Because even as the people have said, so far this season with the mufflers one where for the first few weeks they have been, there hasn't been a problem where they've been complaining about the noise. Except one night when they, the raceway director may correct me if I'm wrong, but I believe they had TQ midgets which are not a regular scheduled part of the racing program and they may have not all had mufflers."

Unidentified Speaker, "They all had mufflers."

Ed Purcell, "Well, that night was the night that the mobile home park had complained about the noise. So possibly that could have been the reason why. Except for that one night, they really haven't had any problem with the noise. And really, the only change

PUBLIC HEARING, ContinuedEd Purcell, Continued

that had been done was the fact that we had mufflers on all the vehicles. And I feel that this would have been all over and done with years ago and we wouldn't have so many problems. As far as the rest of the regulations are, I believe we should change it so that you have the same amount on Sunday as Saturday to race. Because, say, if we have a Sunday show, if you're going to give them five hours on Saturday, you should give them five hours on Sunday or six or seven or whatever is allowed in the regulations. And I really don't think that we should make the regulations any more stringent in the future unless you give a little back to the raceway or the racing people. I know it's been said, well, let's pass this law as it sits and then we can amend it in the future. Well, one thing that I know was proposed to amend would be berms around on the side of the racetrack to deflect the noise. Now, if that were to be put in, I would feel that it would be appropriate to allow the raceway during weekday hours, say noon to 5 o'clock during regular work hours to allow practice by individual cars which as long as they were mufflered. That's my opinion. That's nobody else's. Now, that would be only if you were to amend it to have to make the raceway, on their own, put in berms to deflect the noise. Now, as it stands, you haven't done that. So it's not needed. But should you create the extra expense for the raceway, I feel you should be able to let them recoup some of the expense. Because as of right now, there seems to be no problem with the noise."

Supervisor Janoski, "At present, we don't have that before us. Let me just, because it just came up here, point out that the original dispute with the raceway had nothing to do with noise. It was in fact, violations of state fire codes and town building codes. It developed, over a period of time, into other areas. Yes sir."

Anthony Cressi, Glenwood, "I want to ask a question and then I'll make a comment. In these rules and regulations, is there a rule in there that we have a monitor monitoring that there are mufflers on the cars?"

Supervisor Janoski, "Are you talking about noise level readings?"

Anthony Cressi, "No, no. A monitor in the rules. We have rules and regulations. An enforcement to see that these rules are regulated and are being kept. Is there a provision for that?"

Supervisor Janoski, "Well, I think the passage of the law is an indication that there will be enforcement."

Anthony Cressi, "That's all I wanted to know. Now, the gentleman prior to me was talking about giving. He sat down with us and Mr. Cromarty and Joe and Flo and we had agreed to 26 days. We gave two days. How much more must we give. Now, I want to take this time to thank the Board for their valiant efforts. Particularly Joe, Lou Boschetti, John Lombardi, very valiant. The others may have been but they stood out in my mind and I want to thank you all and God bless."

PUBLIC HEARING, Continued

Supervisor Janoski, "Is there anyone else present wishing to address the Board on the matter of this local law? That being the case and without objection, I declare the hearings to be closed."

8:25 and 8:30 PUBLIC HEARINGS CLOSED AT 9:20

Supervisor Janoski, "We found someone who wants to address the Board. So let's pretend I didn't close it and I recognize you sir."

8:25 and 8:30 PUBLIC HEARINGS RE-OPENED AT 9:21

Russell Babis, 1 Roanoke Avenue, "I just received one of these copies of the proposed. Number five... I just wanted to point something out to be clarified here. Under mufflers required, it says; all motor vehicles operating upon the motor vehicle raceway shall be equipped with a muffler as defined in section 375 of the vehicle and traffic law of the State of New York. Well, what does that actually say?"

Councilman Pike, "I think I remember the answer to this question because we looked at it when the draft first came out. It's basically a definition that requires baffles within it. It's a very generic thing. Some sound absorbant material and again, it's a very generic description. It would, theoretically, allow glass pass."

Russell Babis, "Also, I guess this is a general law that means that in the future there could be another raceway operating within the town that would have to operate at the same hours (let's say) as another track or several tracks in the area?"

Councilman Pike, "That's correct."

Russell Babis, "They'd all have to run the same hours. What if one wanted to run in the afternoon 11 to 4 and another (let's say) 4 to 10."

Supervisor Janoski, "The first thing they'd have to do is get a special permit to open a racetrack. So I wouldn't worry about it."

Russell Babis, "It's saying motor vehicle raceways. It's not saying Riverhead Raceway."

Supervisor Janoski, "Well, we can not pass a law which applies singly to one business in the town. So therefore, it's regulations regulating operation of raceways in the Town of Riverhead. But to open a raceway you would need to get a special permit of the Town Board."

Russell Babis, "Yes. But that's also just defining that that season would be a set season."

Supervisor Janoski, "If that ever came to pass, I'm sure that the Town Board would place certain requirements. I wouldn't hold my breath for the approval of a raceway in the Town of Riverhead."

PUBLIC HEARING, Continued

Russell Babis, "Ok. Thank you."

Supervisor Janoski, "Thank you. Yes sir. Are these cameras operating? Is this camera operating? If she's gone, I would really love to... Ma'am, excuse you me. Are you the camera operator? Are you running the camera? Could you turn off those lights? I appreciate it, I'm sure the other members of the Board would also."

Stanley Krupski, Calverton, "According to this lawyer, when was this made available to the public? Isn't there some certain..."

Supervisor Janoski, "It was printed in the paper."

Stanley Krupski, "What paper?"

Supervisor Janoski, "The News Review as it must be."

Stanley Krupski, "I must not have seen it because this is new to me. I was not prepared to rebutt this thing at all."

Supervisor Janoski, "Well, if you'd like to, you can send written comments and they will be part of our consideration."

Stanley Krupski, "Thank you very much."

Supervisor Janoski, "Thank you. Is there.... I can see everyone, tell what color they're wearing. Is there anyone else present wishing to address the Town Board in the matter of the local law regulating raceways in the Town of Riverhead? That being the case and without objection,... Mr. Baker."

Paul Baker, "Can I say something else Mr. Janoski? Just very quickly as the way of an announcement, the Organization of Riverhead Civic Associations next Tuesday night would like to invite you and the Board members to Town Hall, your home. We're having a presentation on the brown tide and we'd like to also invite anyone in the public that's interested in joining us next Tuesday night here at Town Hall at 8 o'clock."

Supervisor Janoski, "While you're there, do you have any position on the raceway?"

Paul Baker, "No, no. Thank you very much."

Supervisor Janoski, "So as I was doing, without objection, the hearings are closed. The hearing on the repeal of local law 4-1987 and on the proposed local law 1988. Does anyone want to speak on any subject? Mr. Kasperovich, how did I know that your arm would go up there?"

8:25 and 8:30 PUBLIC HEARINGS CLOSED AT 9:26

William Kasperovich, "I was hoping you would call a recess at this point but since you're not, I have to take the time."

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "Bill, why don't you adjust the microphone up while you're there and I'm sure you'll understand being an engineer, the operation of that."

William Kasperovich, "I think that it's appropriate that one of the subjects that I want to talk about should follow this raceway. On Sunday morning about after 10 o'clock sometime, in getting my guest and some people ready to go to church. The women are wearing their corsages. I can see my neighbors had flowers delivered. This is Mother's Day. And as I go out in my backyard, I hear the clanking of tailgates which I recognize from large construction trucks. I hear the roar of truck engines. Ok. That's not bad. They're dumping something they couldn't unload Saturday or what have you. But then comes the distinct roar of a bulldozer. Sunday morning, 10 o'clock, what the h--- is this? Where do I live? I was tempted to call the police. But instead, I got everybody in the car and we drove away. And I hoped that this would have been deceased on our return. Ok. It didn't. I went down to the area with a pencil and pad in hand and apparently the people got the message. Ok. Since then, I've taken a personal survey of what the police officer in Riverhead considered law that he could enforce for such a situation and I got the same answer from all the men I approached. We have no noise ordinance. Quote unquote. I said well, as I grew up in this United States, every place I've been there is such a thing as disturbing the peace. Don't we enforce the law that disturbing the peace is not permitted? And nobody would give me an answer. They would always shake their head and I said I can't quote you if you shake your head. Well, that's why I'm shaking my head."

Supervisor Janoski, "Did you in taking...."

William Kasperovich, "Now, I don't understand why so many policemen have this attitude and the Board has not put the Commissioner on spot to...."

Supervisor Janoski, "Can I ask you a question Mr. Bill? Did you happen, as you were taking down these notes, to note the nametag and badge number of the individuals who gave you this information or misinformation?"

William Kasperovich, "When they saw me writing it down, I promised them I would not reveal."

Councilman Boschetti, "Did they ask you not to reveal their names?"

William Kasperovich, "I refuse to answer that on the grounds I might jeopardize the man's position. But believe you me, I didn't waste my time on this. This took a lot of time. I didn't waste my time on this. But I did want to satisfy myself that I was coming up here to talk to you on a just cause. Because we have to make the police enforce the laws that we want or we have to make laws they can and will enforce to suit our lifestyle."

PERSONAL APPEARANCES Continued

Councilwoman Civiletti, "Mr. Kasperovich, can I ask you a question? What was being bulldozed on Mother's Day?"

William Kasperovich, "New fill that was being brought in, new earth fill that was being brought to a new construction site by a private contractor."

Councilwoman Civiletti, "Are you objecting to the fact that it was being done on a Sunday or would you be objecting to it because of the noise level on any other day of the week?"

William Kasperovich, "The noise level is what I'm bringing forth."

Councilwoman Civiletti, "I just wasn't sure about..."

William Kasperovich, "If you had a bulldozer in your backyard, you would know what I was talking about."

Councilwoman Civiletti, "I just wanted to make clear what your point was. Whether you were objecting to the Sunday versus..."

William Kasperovich, "Ok. I'll appreciate your legal attitude. I hope you influence your companions there on the Board. Alright. That's enough said on the noise on Sunday morning. The next item I have is considerably more serious. The Town Board in their work sessions since I see no special meeting was listed and no minutes are listed on today's agenda, that it was only a work session and you Mr. Supervisor, was absent last Thursday. Well, I guess I was speaking if not shouting, loud enough for you to hear me down in Wading River. Because with three legal minds up front, two councilman and one engaged Town Attorney."

Supervisor Janoski, "I don't accept the premise that an attorney is a better mind. As a matter of fact, I would disagree with that idea."

Councilman Pike, "I'd have to admit this. I think engineers have demonstrated that they have far superior minds."

Supervisor Janoski, "I'm sorry Bill. Go right ahead. Can I ask a stupid question before you answer?"

William Kasperovich, "I wish what you say were true when the town had me in the Justice Court for six months. But you sat in the audience. You were aware of the going ons. Your Town Attorney was prosecuting me and what you're saying now, not true. Maybe with the new council lady and the new Town Attorney, things have changed but this is what motivates to say what I say about having the legal education background up in the current... No reflection being cast on anybody that did not go to law school and did not pass the bar exam."

Supervisor Janoski, "Can I answer your question because I happen to know what the subject is. I know what it is. We investigate and have individuals who apply for a position with the town to sign the document allowing us to investigate their background. And



PERSONAL APPEARANCES, ContinuedSupervisor Janoski, continued

it was a recommendation that came out of the personnel committee at some time perhaps one or two years ago. Five years ago. Time goes by. And for very good reason and perhaps John would like to explain some of those reasons. I am shocked sometimes by the people that we have hired. And there was cause for us to look into an individual's background. John was a member of the personnel committee that made that recommendation that the Town Board did adopt this policy that when you make application for the employment with the Town, we would like you to sign a document allowing us to look into your background. If you object to that as a matter of invasion of privacy, that is your opinion on that, I would say that you don't have to sign it but you're not going to go to work for the Town of Riverhead either."

Councilwoman Civiletti, "There's an in between alternative. Hold on a second."

William Kasperovich, "Well, that might be good and well because that would give me time to put you up before a federal judge."

Councilwoman Civiletti, "He can sign the document and say he does not...."

Councilman Lombardi, "You can sign a document Bill, saying you don't want to sign it."

William Kasperovich, "For the record I'll say,... Mr. Lombardi, you are a party violating federal law. And in case you don't know it, whatever you say here and now may be held against you in a court of law."

Councilman Lombardi, "Well, then I will say what I have to say."

William Kasperovich, "Well, you have to say what you have to say but give me the right."

Councilman Lombardi, "I'm listening Bill."

William Kasperovich, "For the record, three previous applications for employment in this town, I was not presented with this authorization for this release of information. On the forth time... So I was not aware of this piece of paper. On the fourth time which was last Thursday, my application was being rejected because it was not accompanied by this authorization for release of information. Alright. So it was the first time I saw it. Now, all the improprieties, all the irregularities and all I was going to say; crap but that won't be nice on the record, from Mr..... I withdraw the last few words. Instead, I'll replace the ex-councilperson Victor Prusinski. He asked questions at three interviews that if I didn't want to work for the town, I would have climbed all over him physically to where he couldn't serve. But I swallowed that. That was bad enough and he was on all these personnel committees. I only recall meeting, other than the first time was before the entire Town Board. The one time with Mr. Lombardi present. So this is a first for me. And since you people have not followed Civil Service procedure, the Civil Service is not aware of this position being looked to be filled. I take

PERSONAL APPEARANCES, ContinuedWilliam Kasperovich, Continued

it that it is an act of the Town Board itself."

Supervisor Janoski, "What position are we talking about?"

William Kasperovich, "We're talking about Ordinance Inspector. Applications for which were due last Friday."

Supervisor Janoski, "I have once more to say the same thing at this microphone in the past. That we do follow Civil Service procedure."

William Kasperovich, "You have not. Nobody from this Town Hall called the Civil Service Office to say we are filling a position of Ordinance Inspector. There is a list. This was not called for. Nor were they informed that such a job was open. I didn't inquire about the other job but this job I did and I got a specific no. Now, it's bad enough to have put up with the indignities of this councilman that I'm happy to say is no longer on the Board nor do we see him offering any of his assistance to better the life in Riverhead. When he stopped getting paid, he disappeared."

Supervisor Janoski, "He bought me a drink earlier this evening."

William Kasperovich, "Well, ok. You're asking to do everything but to get into the man's soul. And then you're asking for any previous, what you refer to here, polygraph examinations. You make inquiry of receiving authorizations. And then without shame, you introduce a paragraph to hold you harmless. Now, d--- to h---, if you won't stand behind your responsibility and the liability for your conduct, then come election time, you're going to find loud voices that are going to say that we don't need people like you. If you can't stand behind what you do up there, step down. You're asking to see inside my private life which is a violation to federal law by your conduct and your act confirmed by you this evening and you shouldn't be there. Now, I signed this form striking out that which I felt was not applicable. I answered the questions that I felt I could. I refused to acknowledge your hold harmless to your conduct. So I signed it under protest. And your words saying that without this, you will not engage me for employment in this town, if you so choose, will be held against you. So I signed this form on the advice of an attorney. I submitted the application and the next move is yours. But you should know with one legal advisor and two councilmen learned in the field of law, can not recognize when you're violating such a serious law in this country, then somebody is not justifying their occupying the chair to themselves or to the people that elected them. And they should know who they elected. People that would violate the federal law and then insist that they be held free of responsibility and liability. That means that all you're going to do for this township are hollow words. Now, when you come to personnel discussion in executive session,..."

Supervisor Janoski, "Bill, you've had about thirteen minutes. Could you make your point and I will promise you that the Board will review this document that you've been asked to sign to see if there is any inconsistencies with the protection of the constitution of the federal law."

PERSONAL APPEARANCES, Continued

William Kasperovich, "You are admitting that you do not know anything about the federal law on the rights to privacy."

Supervisor Janoski, "That may be the case Bill and I'm going to ask you now to conclude your remarks."

William Kasperovich, "Alright. Let me put one more topic in."

Supervisor Janoski, "It's got to be very brief Bill."

William Kasperovich, "Well, I guess it should be because you people haven't listened to what I say here anyhow."

Supervisor Janoski, "You have spoken for the past thirteen minutes Bill."

William Kasperovich, "And you clocked me and again, this is an act of intimidation which I pointed out to you and you're continuing with it. Well, maybe I'll get the Civil Liberties Union on your back again. With regards to the man who spoke on the subject of highways, quick and to the point. The state people have always had an opening in their procedure for officials of the town and for the public on anything they did or will do or propose to do. This Town Board and many other Town Boards have ignored this. And on occasion in years past, they would send an incompetent that they were ashamed to have in their midsts. So you can't put everything on their back. You do not participate with the state on the highway work that is done. Our next..."

Supervisor Janoski, "That's it Bill. I'm sorry. I'm going to have to ask you to relinquish the microphone."

William Kasperovich, "On the resolutions, on the resolutions..."

Supervisor Janoski, "Bill, take your seat Bill please. Do not force me to do anything I and you are going to be sorry for. Now, you have spoken now for fifteen minutes. The rule is five."

William Kasperovich, "You had other people up here talked longer than that and you didn't enforce the time limits."

Supervisor Janoski, "I'm going to do it Bill."

William Kasperovich, "But you didn't do it to the other people. So now you're isolating me as a case."

Supervisor Janoski, "We will give you the microphone..."

William Kasperovich, "You had another man here who talked for well over 15/20 minutes. But with me, you clock me."

Supervisor Janoski, "I have to do something. I asked you to relinquish the microphone Bill. And anyone who wants to stay and listen to you later on, can certainly do so."

PERSONAL APPEARANCES, Continued

William Kasperovich, "After the resolutions are passed, there is little point in talking to you."

Supervisor Janoski, "Do you have something to address in the resolutions?"

William Kasperovich, "Yes."

Supervisor Janoski, "Please go forward with it."

William Kasperovich, "On resolution 351 to authorizing Building Department Inspectors to modular home construction seminar, I object that this is the peak of our construction in the season. We do not have any inspectors to spare and this is a commercial thing of selling somebody's product. We should not take these men away from their work at the peak of their needs. Secondly and lastly, your resolution 347 awarding bids for renovation to the Eastlawn Building. I have seen these documents that were bid on and I scrutinized them and I see that you have developed this for a particular occupant and you have not revealed to the public that you are doing this. Therefore, I claim this improper and illegal and that is the last of my comments. I regret to say that once again, I tried to give you people the best thinking in the best interest that I have for this township and it seems to no avail. That you are going to play games with our lives unless somebody puts you up before a judge and makes you accountable for your actions."

Supervisor Janoski, "Mary Beth, I expect that you've been standing there for a while for a reason."

William Kasperovich, "Are you talking to me sir?"

Supervisor Janoski, "No. I'm talking to Mary Beth."

Mary Beth Andresen, "I just wanted to come up and speak on something else. I'm a little sad that I didn't get up right away and wasn't recognized right away because I truly wanted to state this while we had members of the audience still here. I just wanted to remind everybody in the audience and everybody to go home and tell at least a few friends that next Tuesday night is our school budget next Tuesday during the day and up until 8 p.m. in the evening in the Riverhead High School gymnasium. And we're dealing with a very very high budget of thirty three million dollars this year. We have some problems in this district. To give an example: Shoreham is thirty one million dollars and their school compromises about two thirds of the Riverhead population. So the difference is not all that great when you get down to it. But their budget went down. Laurel's budget went down. Mattituck's budget went down. I don't know if it's a sign of things to come or people are getting upset. What has been shown in the past when we were on austerity quite a few years ago and I worked very heavily to pass the budget at that time, was that when the town does go on austerity or the school district does go on austerity, nobody saves any money. It happened last time that town taxes were elevated because there was problems associated with a lot of kids around and they needed school crossing guards and there had to be extra guards hired and

PERSONAL APPEARANCES, ContinuedMary Beth Andresen, Continued

what have you. And then truly, the cost was not cost effective. Austerity isn't the answer. I truly wanted everybody to know that during the other monthly meetings, of course, they do coincide with Town Board meetings. I've asked repeatedly if somebody could have them changed. It's sort of like church and state. Nobody wants to divide the two. It's something that has to be addressed in this town. We, in this town especially, because we are really a micro-cosmo of the United States with our ghetto and our affluence and our inter-city and our suburbia, need a budget. I send it from the heart. I have children involved in extra curricular activities. Hopefully, they're going to try to get in the best colleges they can. And all the extra curricular activities do mean a lot in this district where we do have kids that are possibly latch key kids who's parents both work or have one parent. Having these kids free on the streets with nothing to do, no production insight, is just not good for this town. And I truly wanted to get everybody before they left just to remind them to come out and vote next week. Thank you."

Supervisor Janoski, "I knew we would eventually agree on something Mary Beth. Yes."

Florence Sykora, "May I just ask a question about registration."

Mary Beth Andresen, "It was tonight, was the last day."

Florence Sykora, "You mean we can not register like we registered before we voted?"

Mary Beth Andresen, "Today was the very last day. If you were registered in the general election last November, you can vote."

Supervisor Janoski, "You are registered to vote aren't you?"

Mary Beth Andresen, "If you're registered in the general election.... Today was the last day for registration."

Joe Sykora, "Somebody was passing out misinformation. They said you had to register."

Mary Beth Andresen, "No. If you voted in the last general election, you can vote. I think what they were trying to do, there was quite a few people who never voted who are not registered voters. And what happens, there is lists that they have never voted on a school budget, so their name will come up."

Supervisor Janoski, "You don't mind if we go on with our meeting do you? Steve."

Steve Haizlip, Calverton, "Mr. Janoski and the other Board members. Edwards Avenue is a serious business and serious talk. Has become, on the curb below Mr. Joe Jermusyk's house, a death curve. Now, I realize that the way some people drive may invite..

PERSONAL APPEARANCES ContinuedSteve Haizlip Continued

their own destiny. But Mr. Jermusyk has tried talking to Mr. Bloss about getting the speed limit in that particular curve probably to something to say like 30 or 40 but he was informed that it came from the state. So Mr. Jermusyk knowing that I'm attending this Town Board meeting all the time and pretty much worked on some of the laws, I told him that Mr. Bloss was definitely telling him the truth. It had to come from the state to lower that speed limit from 55 down to 35 or 40. Now, I know that's going to be a long time coming. It may not never come but I feel in the meantime, in the interim, you think maybe we could get some (dayglow) signs to clarify that? That's a type of paint that glows... Also, if we might be able to paint the lines on that curve of the same color, dayglow. So they would show up at night. What ever we can do. I realize whatever it takes or whatever steps we take, we can not stop some people on this action. But I feel if we take some type of high warning technology, then the town is not going to be at risk to say; well they didn't put up this sign, this didn't provide this, they didn't provide outer curve or outer shoulder marks. Thank you Joe."

Supervisor Janoski, "Steve, thank you. Ok. Well I guess..."

Councilman Lombardi, "Joe, I would like to make a little comment on the application that Mr. Kasperovich brought up. Right or wrong, we've done that for five years. And at that time Mr. Kasperovich, the people that were getting it was people that we were hiring to check them out. Since then, we have given it to everybody new who wants a job so we can check them out. The reason is that we've hired people that had problems. Ok. We have people that are taking care of kids, dealing with children in playgrounds, driving senior citizens around and we wanted a clean record on their report. Right or wrong, you may not like it, but as one councilman, I am going to try to protect the benefit of the people of the Town of Riverhead who we serve. And this was brought up five years ago. We went through Suffolk County, their applications and maybe at the time you did not get it because we were revising ours. I will say to you Bill, that at the time you applied, we did not give you an application if that's what you're saying. Maybe at that time we were giving it to the people who were hired and checking out. Now we give it to all people who come in for employment into the town to sign and you were one of those people who have been given a paper. So I don't know how to tell you. You may not like it. But as one councilman, I think it's a good idea and I'm going to stick with it. If the law says we can't do it, then that's a different story. I am no attorney and that's it."

Supervisor Janoski, "I'm ready. Let's do the resolutions."

Resolutions #333 to #353 found on pages 634-669  
of the 1988 Resolution Book.

RESOLUTIONS, Continued#345 ADOPTS RESOLUTION RE: CHANGE OF ZONE APPLICATION OF THOMAS LESSARD.

Councilperson Civiletti offered the following resolution which was seconded by Councilperson Lombardi.

(Councilman Boschetti and Pike declined to offer resolution)

Councilwoman Civiletti, "There's a fellow by the name of Thomas Lessard who applied for a change of zone for some property that he owns in Jamesport. It is near some existing residence "C". His property was zoned ag. "A". The Planning Board recommended that the whole piece of land surrounding this particular lot, be changed from ag. "A" to residence "C". This resolution doesn't follow the Planning Board's recommendation but would change from ag. "A" to residence "C", four lots. One of which being the applicants lot which are already two of them are half acre lots. Two of them are one acre lots and one of the one acre lots is already part residence "C". So we're changing those four from ag. "A". So moved."

Councilman Pike, "Point of information. Did we publish a map that showed the properties other than the Lessard property and this solo one for the Lessard property?"

Councilwoman Civiletti, "I think what was published was the Planning Board's recommendation."

Councilman Pike, "Can anybody affirmatively tell me that we published the Planning Board recommendation?"

Councilwoman Civiletti, "Yes, I remember seeing we published the Planning Board's recommendation."

Councilman Pike, "I'm not doing this to stop it but to correct the record if we did not. If we did not, you don't have a map on the properties other than the Lessard property and you would have done so without publication."

Councilwoman Civiletti, "I recall seeing it at the time of the public hearing on what the Planning Board recommendation was. I wouldn't be willing to swear under oath."

Councilman Pike, "It's critical to survival."

TOWN BOARD RECESSED AT 10:10  
TOWN BOARD RECONVENED AT 10:15

Supervisor Janoski, "Ok. We have cleared up the question. The map was published and the resolution was moved and seconded. Any further discussion?"

Councilman Pike, "Just a little bit. I just want to make the point of the principal under which I objected to this is right on the edge of when that principal applies and the principal has to do with down zoning in an area that has some possibility of up zoning under the farm plan and agricultural open space next to it."

RESOLUTIONS, ContinuedCouncilman Pike, Continued

This is an infill property. And so the majority is going to vote the way it's going to. I understand that. My hope is that this not be a precedent to break out of the idea of infilling and that we hold the line on projects like this and that we focus on infilling and increasing density in the hamlet areas and this is clearly not one of those in the future."

Supervisor Janoski, "Any other discussion? Let's call the roll."

#351 AUTHORIZES ATTENDANCE OF BUILDING DEPARTMENT INSPECTORS FOR MODULAR HOME CONSTRUCTION SEMINAR.

Councilwoman Civiletti, "Should I do this? Should I move this and vote my pleasure?"

Councilman Pike, "Can I hear the discussion on this first?"

Councilwoman Civiletti, "I'll give my discussion. I don't know anything about it. This showed up tonight with the additional resolutions attached to a memo from a certain Supervisor who says he doesn't know anything about it either. Before we send them off to a modular home construction seminar, I think we ought to know something about it."

Councilman Pike, "Well, who wrote the resolution?"

Irene Pendzick, "The resolution was brought to the Deputy Supervisor late, late this afternoon by the head of the Building Department as was advised that it was very late."

Councilwoman Civiletti, "When other people want to go to seminars, they usually present the Town Board with some information regarding the seminar, what it's about, why we should be interested. We don't know, as Mr. Kasperovich pointed out, who is sponsoring this. Somebody said it was a modular home manufacturer. I don't know how appropriate that is."

Supervisor Janoski, "Well, to tell you the truth, modular homes are built when they arrive here. So I don't know why we've got to inspect them and I will probably join you in a negative vote."

Councilman Boschetti, "I'd like to make a point. I don't know about this particular resolution. Where they're going or who is conducting the seminar. But I do know something that would definitely in my mind, be favorable to them going. And that is; the State of New York has passed a law which pre-empts the right of inspectors to question the construction of a modular where it is inspected by a third party that has been retained for that purpose for HUD approval. Now, I think that being the case, our inspectors would be well served to go and give their input into such a seminar if that's one of the factors or one of the aspects of this seminar. I don't know that it is."



RESOLUTIONS, Continued

Councilwoman Civiletti, "Well, that's the problem. I'm not sure that I'm opposed to them going to this but I don't know enough about it to say I want to send them."

Councilman Pike, "We could do a vote at the next work session and ratify if we approve it."

Supervisor Janoski, "I was not present when the resolution or the items were discussed yesterday. So I just presumed."

Councilman Pike offered resolution #350 to be tabled which was seconded by Councilman Lombardi.

Councilman Boschetti, "I will vote to table but I'm still not clear as to when we're going to reconsider this."

Councilman Pike, "My suggestion is that we reconsider it on Thursday with full information from the department head. Take an informal vote then. If it has a majority vote, we would ratify it on the date of the seminar."

The resolution was unanimously voted to table.

Supervisor Janoski, "Without objection, this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 10:25 p.m.

IJP:nm



Irene J. Pendzick  
Town Clerk